

**63A-14-702 General procedures for conducting a hearing on an ethics complaint.**

- (1) In conducting a hearing on a complaint, the commission shall comply with the following process in the order specified:
  - (a) introduction and instructions for procedure and process, at the discretion of the chair;
  - (b) procedural motions, adoption of evidentiary standards, or other general matters;
  - (c) complainants' opening argument, to be presented by a complainant or complainants' counsel;
  - (d) complainants' presentation of evidence and witnesses in support of allegations in the complaint;
  - (e) consideration of motions to dismiss the complaint or motions for a directed verdict, as applicable;
  - (f) respondent's opening argument, to be presented by the respondent or respondent's counsel;
  - (g) respondent's presentation of evidence and witnesses refuting the allegations in the complaint;
  - (h) presentation of rebuttal evidence and witnesses by the complainants, at the discretion of the chair;
  - (i) presentation of rebuttal evidence and witnesses by the respondent, at the discretion of the chair;
  - (j) complainants' closing argument, to be presented by a complainant or complainants' counsel;
  - (k) respondent's closing argument, to be presented by the respondent or respondent's counsel;
  - (l) deliberations by the commission; and
  - (m) adoption of the commission's findings.
- (2) The commission may, in extraordinary circumstances, and consistent with due process considerations, vary the order described in Subsection (1) by majority vote and by providing notice to the parties.
- (3) In addition to witnesses or evidence subpoenaed at the request of a complainant or a respondent, the chair or the commission may, consistent with due process considerations, subpoena and schedule the examination of witnesses or evidence that the chair or the commission determines will assist the commission in making a determination on the merits of the complaint.

Enacted by Chapter 426, 2013 General Session